

01 EXAMINATION UNDER OATH
02 OF
03 JAMES W. LANGLEY
04
05
06
07 Taken pursuant to Notice by Autumn D.
08 Furby-Pritt, a Court Reporter and
09 Notary Public in and for the State of
10 West Virginia, at Department of
11 Environmental Protection, 1101 George
12 Kostas Drive, Logan, West Virginia on
13 March 24, 2006, at 8:08 a.m.

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01 A P P E A R A N C E S

02

03 WILLIAM TUCKER

04 Assistant Inspector at Large

05 West Virginia Office of Miners'

06 Health, Safety & Training

07 142 Industrial Drive

08 Oak Hill, WV 25901

09

10 KENNETH A. MURRAY

11 U.S. Department of Labor

12 Mine Safety and Health Administration

13 Coal Mine Safety and Health

14 District 6

15 100 Fae Ramsey Lane

16 Pikeville, KY 41501

17

18 CHARLES W. POGUE

19 CMS&H Inspector (Roof Control)

20 Mine Health & Safety Administration

21 District Two, Technical Division

22 259 Dunn Station Road

23 Prosperity, PA 15329

24

25

3

01 A P P E A R A N C E S (continued)

02

03 DANIEL M. BARISH, ESQUIRE

04 U.S. Department of Labor

05 Office of the Regional Solicitor
06 1100 Wilson Boulevard
07 22nd Floor West
08 Arlington, VA 22209-2247
09
10 C.A. PHILLIPS
11 Deputy Director
12 West Virginia Office of Miners'
13 Health, Safety and Training
14 1615 Washington Street, East
15 Charleston, WV 25311-2126

16

17 ALSO PRESENT:

18 ARLIE A. WEBB

19 RONALD W. STAHLHUT

20 MICHAEL FINNIE

21 BETH SPENCE

22

23

24

25

4

01 I N D E X

02

03 WITNESS: JAMES W. LANGLEY

04 QUESTIONS

05 By Mr. Pogue 17 - 47

06 By Mr. Tucker 47 - 48

07 By Mr. Pogue 48 - 49

08 CERTIFICATE 55

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01 EXHIBIT PAGE

02 PAGE

03 NUMBER DESCRIPTION IDENTIFIED

04 A Mine Rescue Map 29

05 B Close Up of Mine Map 29

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01 P R O C E E D I N G S

02 -----

03 MR. POGUE:

04 My name is Charlie
05 Pogue. I represent the Mine
06 Safety and Health
07 Administration, which is an
08 agency of the United States
09 Department of Labor. I'm a
10 member of MSHA's accident
11 investigation team that is

12 charged with investigating the
13 accident that occurred at the
14 Aracoma Coal Company, Inc.
15 Aracoma Alma Mine Number One
16 on January 19th, 2006. This
17 is a joint investigation that
18 MSHA is conducting with the
19 State of West Virginia. I
20 will be asking the questions
21 for MSHA in today's interview.

22 With me here today are
23 other members of MSHA's team
24 and State team. MSHA's team
25 includes various specialists

7

01 and members of the Solicitor's
02 office. At this time, I would
03 like to ask each of the
04 members of MSHA's team to
05 identify themselves for the
06 record. And again, my name's
07 Charlie Pogue, MSHA, from
08 Hunker, Pennsylvania.

09 MR. STAHLHUT:

10 Ron Stahlhut, MSHA,
11 Vincennes, Indiana.

12 MR. FINNIE:

13 Mike Finnie, MSHA,
14 Madisonville, Kentucky.

15 MR. MURRAY:
16 Kenny Murray, MSHA,
17 Pikeville, Kentucky.

18 ATTORNEY BARISH:
19 Dan Barish. I'm an
20 attorney in the Solicitor's
21 office for MSHA from
22 Arlington, Virginia.

23 MR. WEBB:
24 Anthony Webb, MSHA,
25 Pikeville, Kentucky.

8

01 MR. POGUE:
02 Here with me today
03 representing the State of West
04 Virginia is Mr. Bill Tucker.
05 Mr. Tucker will ask the
06 questions for the State. At
07 this time, I would ask Mr.
08 Tucker to introduce the
09 members of the State's team
10 who are here today.

11 MR. TUCKER:
12 I have a brief
13 statement I need to read for
14 the record, Mr. Langley.

15 The West Virginia
16 Office of Miners' Health,

17 Safety & Training is
18 conducting this interview
19 session jointly with MSHA and
20 we are in agreement with the
21 procedures outlined by Mr.
22 Pogue. However, let me make
23 it clear that the Director
24 reserves the right, if
25 necessary, to call or subpoena

9

01 witnesses or require the
02 production of any record,
03 document, photograph or other
04 relevant materials necessary
05 to conduct this investigation.

06 Again, my name is Bill
07 Tucker. I'm an assistant
08 inspector at large out of the
09 Oak Hill office for Miners'
10 Health, Safety & Training.

11 MR. PHILLIPS:

12 Good morning, Jim. My
13 name is C.A. Phillips. I'm
14 the Deputy Director with the
15 Office of Miners' Health,
16 Safety & Training in
17 Charleston, West Virginia.

18 MS. SPENCE:

19 I'm Beth Spence with

20 the Governor's office.

21 MR. POGUE:

22 Okay. This
23 investigation is being
24 conducted by MSHA and the
25 State of West Virginia to

10

01 gather information to
02 determine the cause of the
03 accident and to help prevent
04 this from happening in the
05 future. These interviews are
06 an important part of the
07 investigation. After the
08 investigation is completed,
09 MSHA will issue a written
10 report detailing the nature
11 and the causes of the
12 accident. MSHA's accident
13 reports are made available to
14 the public in hopes that
15 greater awareness about the
16 causes of the accidents can
17 reduce their occurrence in the
18 future. Information obtained
19 through witness interviews is
20 frequently included in these
21 reports. Your statement may

22 also be used in other
23 enforcement proceedings.

24 I would like to thank
25 you in advance for your

11

01 appearance here today. We
02 appreciate your assistance in
03 the investigation. The
04 willingness of miners, mine
05 rescue team members and mine
06 operators to work with us is
07 critical in our success in
08 making the nation's mines
09 safer.

10 This interview with Mr.
11 James Langley is being
12 conducted under Section 103(a)
13 of the Federal Mine Safety &
14 Health Act of 1977 as part of
15 the investigation by the Mine
16 Safety and Health
17 Administration into the
18 conditions, events and
19 circumstances surrounding the
20 fatalities that occurred at
21 the Aracoma Alma Mine Number
22 One, located on Route 17
23 North, Bandmill Hollow Road,
24 Stollings, West Virginia

25 25646.

12

01 This interview is being
02 conducted at the Department of
03 Environmental Protection in
04 Logan, West Virginia on March
05 the 24th, 2006 at ten minutes
06 after 8:00.

07 Mr. Langley, can I call
08 you Jim?

09 MR. LANGLEY:

10 Yes.

11 MR. POGUE:

12 This interview will
13 begin by asking you a series
14 of questions. Feel free at
15 any time to clarify any
16 statements that you make in
17 response to your questions.
18 And after we've finished
19 asking questions, you will
20 have an opportunity to make a
21 statement of your own and
22 provide us with any other
23 information that you believe
24 is important.

25 You are permitted to

13

01 have a representative with you
02 during this interview and you
03 may also consult with your
04 representative at any time.
05 You may designate any person
06 to be your representative.
07 Following the questions by
08 MSHA and the State, this
09 representative will be given
10 an opportunity to ask
11 questions for the purpose of
12 clarification on areas already
13 discussed.

14 Your statement is
15 completely voluntary. You may
16 refuse to answer any question,
17 and you may end your interview
18 at any time. If you do not
19 understand a question, tell me
20 and I will rephrase the
21 question. If you need a break
22 for any reason, please let me
23 know.

24 You may request an
25 opportunity to make a

14

01 confidential statement, which
02 we will withhold from the
03 public to the extent allowable

04 by law. Should you desire to
05 give a confidential statement,
06 you should advise me before I
07 begin your interview so that I
08 can reschedule your interview
09 in order to properly consider
10 your request. Do you request
11 to have a confidential
12 statement?

13 MR. LANGLEY:

14 No.

15 MR. POGUE:

16 A court reporter will
17 record your interview and will
18 later produce a written
19 transcript of your interview.
20 I ask that you state all your
21 answers verbally, because the
22 court reporter cannot record
23 your gestures, like nodding of
24 your head.

25 If any part of your

15

01 statement is based not on your
02 own firsthand knowledge, but
03 on information that you've
04 learned from someone else,
05 please let us know. Please

06 answer each question as fully
07 as you can, including any
08 information that you learned
09 from someone else. We may not
10 ask the right questions to
11 learn the information you
12 have, so do not feel limited
13 by the precise question. If
14 you have any information about
15 the subject area of a
16 question, please provide us
17 with that information.

18 Do you have any
19 questions about the manner in
20 which this interview will be
21 conducted?

22 MR. LANGLEY:

23 No.

24 MR. POGUE:

25 Will you please swear

16

01 in Mr. Langley?

02 -----

03 JAMES W. LANGLEY, HAVING FIRST BEEN

04 DULY SWORN, TESTIFIED AS FOLLOWS:

05 -----

06 BY MR. POGUE:

07 Q. Please state your full name.

08 A. Jim W. Langley.

[REDACTED]

15 Q. Could you spell your last name

16 for us, please?

17 A. L-A-N-G-L-E-Y.

18 Q. Are you appearing voluntarily

19 for this interview?

20 A. Yes.

21 Q. Has anyone made any promises

22 to you for giving this statement or

23 offered you any rewards in exchange

24 for making your statement?

25 A. No.

17

01 Q. Has anyone threatened you or

02 warned you not to provide a

03 statement?

04 A. No.

05 Q. Do you understand that you may

06 refuse to answer any question or

07 terminate the interview at any time?

08 A. Yes, I do.

09 Q. Do you have a representative

10 with you today?

11 A. No.

12 Q. All right. Jim, we'll go
13 ahead and proceed with the
14 questioning at this time.

15 A. Okay.

16 Q. Who is your employer, Jim?

17 A. I work for the Department of
18 Labor, Mine Safety and Health
19 Administration.

20 Q. And how many years of mining
21 experience do you have?

22 A. I've got 12 before coming to
23 the Agency, and after the Agency,
24 I've got 20.

25 Q. And what is your position with

18

01 the Mine Safety and Health
02 Administration?

03 A. I'm a supervisor.

04 Q. And what office do you work
05 out of?

06 A. It's Barbourville, Kentucky.
07 It's out of District Seven.

08 Q. Okay. Are you currently a
09 member of the --- MSHA's mine rescue
10 team?

11 A. Yes, I am.

12 Q. And how many years have you
13 been on that team?

14 A. Since '99.

15 Q. Do you have any prior mine
16 rescue experience?

17 A. Yes, I have. I had five years
18 with Bynum Coal, Incorporated.

19 Q. Did you have prior mine rescue
20 experience prior to January the 19th,
21 2006?

22 A. Yes.

23 Q. Could you just briefly give us
24 a summary of what some of that
25 experience may have been?

19

01 A. Well, with the MEU team, I've
02 been involved in Willow Creek Mine
03 Fire in Utah, the Alabama explosion
04 recovery, Blue Diamond '77 fire.

05 Q. That's fine, Jim.

06 A. I mean, it's ---.

07 Q. So this is not your first
08 experience?

09 A. No, it's not. There's really
10 been too many of them, Charlie.

11 Q. Okay. Thank you. What day
12 were you notified of the Aracoma Mine
13 fire?

14 A. The Aracoma Mine fire was
15 probably on the 20th. I think that

16 was on a Friday, if I'm not mistaken.

17 Q. You were notified on the 20th?

18 A. Yes.

19 Q. Okay. And who notified you?

20 A. Jeff Kravitz.

21 Q. Okay. What day did you report

22 to the mine?

23 A. Well, I was told to go to Sago

24 first. Okay? I left Friday and went

25 to Sago, and on Saturday afternoon, I

20

01 was instructed to go to Aracoma. So

02 it was late Saturday afternoon when I

03 got to Aracoma.

04 Q. On the mine property?

05 A. Yes.

06 Q. Okay. Did you travel by

07 yourself or were you with other

08 inspectors?

09 A. I was by myself.

10 Q. Okay. When you got to the

11 mine, who did you report to?

12 A. Charlie Pogue.

13 Q. Can you recall what days you

14 were at the Aracoma Mine?

15 A. I was there from --- like I

16 said, I arrived on the surface of

17 Aracoma on the 20th, on a Saturday.

18 I don't know if it was the 20th or

19 not.

20 Q. That would have been the 21st.

21 A. Okay. On the 21st. I was
22 underground Sunday afternoon and my
23 shift was Sunday, Monday, Tuesday,
24 Wednesday. I worked Thursday and
25 traveled back home Thursday midday.

21

01 Q. All those days that you were
02 at the mine, were you underground on
03 all those shifts?

04 A. All of them except for one.
05 We rotated. There was two
06 underground and one of them back up
07 on the surface. I think maybe on
08 Wednesday, I backed up on the
09 surface.

10 Q. Okay. And when you say you
11 backed up on the surface, what do you
12 mean by that?

13 A. We had two guys underground
14 --- two MEU members underground with
15 the mine rescue teams, and we had a
16 backup mine rescue team on the
17 surface, and I was part of the backup
18 unit up there.

19 Q. When you got to the mine, were
20 you given any kind of a briefing

21 whatsoever?

22 A. Yes.

23 Q. Okay. Could you maybe just
24 cover some of the items that were
25 discussed at that briefing?

22

01 A. Well, what --- when I got
02 there, the two miners had already
03 been recovered and the fire was out.
04 So what I was instructed to do was
05 travel with the teams while they
06 monitored the fire area. And they
07 had some bad top. They wanted us to
08 watch the bad top. Take readings
09 with the heat gun, make sure that the
10 fire, you know, didn't rekindle.

11 Q. You mentioned bad top. Can
12 you recall where that roof was
13 indicated to be bad?

14 A. That was in the fire area.

15 Q. Okay. Do you recall who gave
16 you that briefing?

17 A. Charlie Pogue.

18 Q. Prior to going underground,
19 were you briefed at any time?

20 A. By ---?

21 Q. An official. Somebody from
22 the command center?

23 A. No.

24 Q. In that process of preparing
25 to go underground, how did you ---

23

01 how was it determined who you'd be
02 traveling with, which teams?

03 A. It was --- we worked it out
04 between ourselves, you know, the
05 three team members. And you know,
06 they had it posted on the board that
07 the teams was going underground. So
08 we knew, you know, from --- they
09 posted on the bulletin board there
10 who we was going to be traveling
11 with.

12 Q. So in all those days that you
13 went underground, were you ever given
14 a briefing from the command center or
15 from the area that we collected
16 ourselves in where the mine map was
17 in a --- on top of the table covered
18 with Plexiglas, do you ---?

19 A. Yes.

20 Q. Do you recall having a
21 briefing in that area?

22 A. Yes. Yes, we were.

23 Q. At those briefings, were you
24 given a map to take underground with
25 you?

01 A. No.

02 Q. Was the team given a map to
03 take underground?

04 A. Yes.

05 Q. Do you know what was on that
06 map? Did you get an opportunity to
07 look at it?

08 A. Just areas that they wanted
09 them to travel.

10 Q. Do you recall if the map had
11 any escapeways marked on it?

12 A. I don't recall.

13 Q. Did anybody talk to you about
14 the escapeways underground?

15 A. No.

16 Q. Anybody tell you how the
17 escapeways were marked underground?

18 A. No.

19 Q. As you looked back on the
20 rescue recovery operations, do you
21 recall how the escapeways had been
22 marked once you got underground?

23 Reflectors or any of that type of
24 indication?

25 A. There were reflectors on the

01 fire area. I noticed some reflectors
02 there that they said was escapeway

03 signs.

04 Q. Okay. As you approached the
05 fire area underground and once you
06 got in there, was there ever any
07 discussions with the team or team
08 members about the accuracy of the
09 mine map that you'd received?

10 A. No.

11 Q. Some of the teams have
12 expressed concerns over the mine map
13 as far as the accuracy of the
14 ventilation controls. Some of them
15 not being marked on the map. Some of
16 them indicated on the map and not
17 being in place underground. Do you
18 recall any incidences where that may
19 have been the case in your travels
20 underground?

21 A. They were, I think, one
22 instance there that there was
23 supposed to have been a stopping in
24 that fire area there that the
25 stopping was not on the --- not

26

01 there. It was on the map.

02 Q. Jim, once we finish, we'll go
03 to the wall maps, and maybe you can
04 point that area out for us and

05 identify it.

06 A. Okay.

07 Q. But what about the accuracy of
08 the survey stations? Did you have
09 any problems with ---?

10 A. I had no reason to look at the
11 survey stations drawing.

12 Q. Okay. Of those days you were
13 underground, did you do any
14 exploration with the --- with any
15 team members?

16 A. No.

17 Q. And why would you be
18 underground with a mine rescue team
19 at that point?

20 A. We was monitoring the fire
21 area, taking temperature readings and
22 make sure that it didn't rekindle.

23 Q. Is it normal for somebody such
24 as yourself, an MSHA supervisor or an
25 inspector to travel with mine rescue

27

01 teams?

02 A. Yes.

03 Q. And what purpose does that
04 serve?

05 A. Well, we will make sure that
06 they do everything safely and follow
07 the approved plans and make sure that

08 the area wasn't altered in any way.

09 Q. Do you recall what teams you
10 traveled with on certain days, Jim?

11 A. I think it was Massey all the
12 times I was underground. I know I
13 traveled with Charlie Conn twice and
14 I can't remember that other captain's
15 name. But I think it was Massey
16 there.

17 Q. Okay.

18 A. Southern West Virginia, too.

19 Q. All right. Thank you. Let's
20 go ahead and go to the map, Jim. And
21 we'll identify the areas that you
22 traveled. We'll use a marker to
23 identify those areas. Before we get
24 started, this map right here is a map
25 from the box cut that takes us up the

28

01 northeast --- or north mains to the
02 northeast mains where they junction.

03 Do you recall doing any type of
04 exploration work in this area or any
05 air readings whatsoever?

06 A. No. The only thing we done in
07 there was on a diesel mantrip, we
08 went from the box cut up to the mouth
09 of the northeast mains on the

10 roadway.

11 Q. Let's move over to the second
12 wall map here. Does this wall map
13 here look familiar to you, Jim?

14 A. Yes, it does.

15 Q. I guess we understand that
16 this is the north mains right here
17 and this is the northeast mains?

18 A. Right.

19 Q. Jim, I have a marker here.
20 And you can either mark on the map
21 that we have in front of us, which is
22 Exhibit A-Langley, or we can go to a
23 second map over here that we're going
24 to mark Exhibit B-Langley. And you
25 can mark either on that map or on

29

01 this map right here the areas where
02 you monitored the fire in.

03 (Langley Exhibits A and
04 B marked for
05 identification.)

06 A. Okay. Does it matter?

07 BY MR. POGUE:

08 Q. No. If you think you can
09 identify the areas that you were in
10 on this map, this would be the ---
11 that would be fine to mark it. And
12 before we get started, if you'll just

13 sign here and date and maybe indicate
14 the team that you traveled with? And
15 I think you mentioned earlier that
16 the team captain was Charlie Conn?

17 A. Yeah.

18 Q. Do you remember any other
19 names?

20 A. No. Today is ---?

21 Q. Today is the 24th, 3/24. All
22 right. I guess on that first day
23 that you went in, which would have
24 been on the 22nd?

25 A. That would have been Sunday.

30

01 I can ---.

02 Q. Okay. You were given a
03 briefing or somewhat of information
04 concerning the issue?

05 A. Yeah. They sort of told us
06 what we was going to do. It really
07 wasn't a big brief or anything. They
08 told us there that we was going to go
09 to the fresh air base nine, right
10 here. We was going to move the fresh
11 air base nine to the location of
12 fresh air base ten, we was going to
13 set up a foam machine and start
14 foaming the fire area there and start

15 cooling it off.

16 Q. Okay. Could you just

17 indicate, Jim, what that line down

18 here's saying? Fresh air base ten,

19 nine and ten?

20 WITNESS COMPLIES

21 MR. POGUE:

22 Okay. On Exhibit

23 A-Langley, Jim has indicated

24 that the fresh air base is

25 number nine, just inby service

31

01 station 3198, was moved from

02 one crosscut inby to a

03 location at 3233 survey

04 station.

05 BY MR. POGUE:

06 Q. For the purpose of identifying

07 these entries, Jim, let's say this is

08 number nine, eight, seven, six, five,

09 four ---

10 A. Okay.

11 Q. --- entries. Just go ahead

12 and --- just write that on your mine

13 map.

14 A. This right here's going to be

15 number nine.

16 Q. Okay. So fresh air base is

17 now located in Number Six entry. Can

18 you show with your marker how you ---
19 your route of travel from fresh air
20 base number nine to number ten? Do
21 you recall what entry or crosscuts
22 you traveled to?

23 A. No, not really.

24 Q. Okay. Could you maybe, with
25 your marker, just outline the area

32

01 that you were assigned to monitor
02 through those series of days that you
03 were at the Aracoma Mine?

04 A. Okay. We started at the fresh
05 air base and traveled into this area
06 here. Take heat readings on up,
07 Number Six entry across. There was a
08 stopping there where we put the foam
09 generator on up Number Six, this
10 crosscut, over and back down Number
11 Seven as far as we could get, looking
12 at the top and check for hot spots.

13 Q. And Jim, how about --- let's
14 try to locate our fresh air base on
15 here.

16 MR. POGUE:

17 Mr. Langley has now
18 moved over to Exhibit
19 B-Langley. And we're going to

20 try and identify the areas
21 that he monitored around the
22 fire area on a map that is a
23 little bit cleaner as far as
24 writing.

25 BY ATTORNEY POGUE:

33

01 Q. Okay. Jim, let's go from ---
02 start where you started over there
03 with monitoring the fire area.

04 A. Okay. We traveled up Number
05 Six entry across as far as we could
06 get on up Six. I think right here's
07 where we got the foam generator set
08 up. That's what we did the first
09 night we was there. It was in that
10 crosscut right there. That's where
11 we set up.

12 A. Went up to this entry, and we
13 traveled back down towards the fire
14 area? .

15 Q. Okay.

16 MR. POGUE:

17 Okay. Mr. Langley is
18 indicating on our Exhibit B
19 map that he started at fresh
20 air base 3234, advanced in by
21 in the east direction to
22 survey station 2236, in the

23 Number Six entry and traveled
24 three crosscuts and then
25 turned south towards survey

34

01 station 3332 and then went in
02 a west direction towards
03 survey station 3266 back
04 towards the tail of the Number
05 Seven belt conveyor system.

06 A. Okay. We also came this way
07 and I think we traveled this outside
08 entry. There's a power center
09 somewhere in this area here that we
10 checked on.

11 MR. POGUE:

12 Okay. Mr. Langley has
13 indicated from survey station
14 3332, Number Seven entry, that
15 they traveled south to the
16 Number Eight and Nine entry.
17 And then traveled in a west
18 direction back towards survey
19 station number 3270 in the
20 Number Two entry of the Nine
21 headgate entry. And then,
22 once they'd traveled to that
23 distance, they retreated back
24 one crosscut and headed north

25 towards survey station 3266.

35

01 And ---.

02 A. Yeah. We did that
03 continuously. I mean, it was just
04 --- we had two teams there. The
05 first team there, we did that several
06 times in a four-hour period, then we
07 switched out, then we let the second
08 team do it, Jerry Cook.

09 BY MR. POGUE:

10 Q. How about on the Nine headgate
11 side of the fire area? Did you
12 travel in that area any at all, Jim?

13 A. No.

14 Q. Did you get into the fire area
15 at the mother belt drive?

16 A. We did that one time to check
17 and see the location of the foam.
18 Once we got the foam started there,
19 we went down to see how far the foam
20 was.

21 Q. Where did you get into there
22 at? Into the mother drive entry out
23 here?

24 A. I remember going through this
25 set of airlock doors. So I'm

36

01 assuming it was right here. Because

02 the doors was open.

03 Q. And that was --- would that
04 have been on the 22nd?

05 A. That would have been ---
06 that's all three shifts.

07 Q. Okay. So all those days that
08 you were underground of that week,
09 this is primarily the area that
10 you ---

11 A. That was it.

12 Q. --- stayed in?

13 A. Yes.

14 Q. And you did no exploration
15 work inby that location?

16 A. No, I did not.

17 Q. Down the headgate entry, Nine
18 headgate entry?

19 A. No.

20 Q. Or back towards the north
21 mains ---

22 A. No.

23 Q. --- area of the mine? Okay.
24 When you traveled in the Number Seven
25 entry in an east direction towards

01 the tail of Number Seven belt, did
02 you walk through the area from survey
03 station 3266 west to survey station

04 3249?

05 A. Yes, I did.

06 Q. Can you indicate that on the
07 map, please?

08 WITNESS COMPLIES

09 BY MR. POGUE:

10 Q. When you walked through that
11 area, can you just describe it a
12 little bit to us, what you saw?

13 A. Well, there was evidence of
14 --- you know, the fire was
15 everywhere. The top was real bad due
16 to the heat and stuff. Everything
17 was black.

18 Q. Do you recall seeing a CO
19 sensor at that location?

20 A. If there was one there,
21 Charlie, it was burnt. You know, I
22 didn't see one.

23 Q. Okay. Anything that would
24 indicate that there had been one
25 there that maybe burned up in the

38

01 heat of the fire?

02 A. I never saw it, no.

03 Q. Our Exhibit B-Langley map
04 indicates that the tail at Number
05 Seven belt that there was a
06 ventilation control, a permanent

07 stopping there.

08 A. That stopping was not there.

09 Q. And you observed that in your
10 travel through the area?

11 A. Yes.

12 Q. Could you circle that for us
13 and indicate down here, missing?

14 WITNESS COMPLIES

15 BY MR. POGUE:

16 Q. While you were underground,
17 Jimmy, for that week, do you recall
18 installing any check curtains at any
19 locations in that fire area?

20 A. No.

21 Q. How about the removal of any
22 permanent ventilation controls?

23 A. No.

24 Q. Let's go back to the Number
25 Six entry just inby the fresh air

39

01 base at 3234. If you look in a south
02 direction as you made your travel
03 down through the Number Six entry,
04 can you recall the condition of the
05 ventilation controls between the
06 Number Six and Number Seven entry?

07 A. I know this --- before we had
08 the foam generator there, that

09 stopping was half gone. But I assume
10 that that was gone.

11 Q. Can you indicate that, half
12 gone?

13 WITNESS COMPLIES

14 BY MR. POGUE:

15 Q. And that was on the first
16 night, that you saw that?

17 A. Yes.

18 Q. And it never changed through
19 the course of the ---?

20 A. No. What we did do on that,
21 we did put --- when we got that foam
22 generator set up, we did put a
23 curtain around it there to keep the
24 foam flowing towards the fire area.

25 Q. If we back up one crosscut at

40

01 ---. It indicates survey station
02 2236. And if you look in the south
03 direction, there's a ventilation
04 control in that crosscut between Six
05 and Seven. Do you recall the
06 condition of it?

07 A. I don't recall that one,
08 Charlie.

09 Q. Okay. How about at survey
10 station 3234, just to the south of
11 the fresh air base? Do you recall

12 the condition of that control device?

13 A. I don't, no.

14 Q. Okay. You've already
15 indicated where the foam generator
16 was sitting.

17 A. Right.

18 Q. How about the next crosscut
19 inby? Do you remember anything about
20 that ventilation control?

21 A. There was no ventilation
22 control there.

23 Q. Could you circle that and
24 indicate that it was missing?

25 A. Two of them was missing.

41

01 Q. Okay. And as you traveled to
02 the south, you indicate that at
03 survey station 3324, when you
04 traveled south to the Number Nine
05 entry, there's a --- the map
06 indicates a permanent stopping at
07 that location and at the outby
08 crosscut just south of survey station
09 3333. Can you indicate what
10 condition those stoppings were in?

11 A. The stopping here was missing
12 and this one I'm not sure about that.

13 Q. When you traveled from the

14 Number Nine entry to the crosscut at
15 Number Eight entry just inby survey
16 station 3267, do you recall the
17 condition of the ventilation controls
18 that would have been in the Number
19 Eight entry equipment doors there?

20 A. You know, Charlie, I don't
21 recall if those doors was there or
22 not. They may have been.

23 Q. Do you recall what position
24 they were in?

25 A. If they was in, they was open.

42

01 Q. Were they open during the
02 course of the week?

03 A. Yes. If they was there.
04 Because, you know, like I said, we
05 traveled into there. I don't know if
06 they was in or not.

07 Q. Okay.

08 A. I'm not going to say.

09 Q. You don't know whether they
10 were in?

11 A. No.

12 Q. Okay. That's fine. At those
13 stopping locations that you've
14 indicated by the circle, let's talk
15 about the stopping line between
16 Number Six and Seven. Do you recall

17 any blocks laying on the mine floor
18 at those locations, at those two
19 locations?
20 A. I don't recall, Charlie. They
21 could have been, but I don't recall
22 it.
23 Q. You had --- to your knowledge,
24 do you know who knocked those
25 stoppings out, or did it appear to be

43

01 knocked out because of the
02 rescue/recovery operations by the
03 mine rescue team or was it ---?
04 A. No. I don't recall seeing any
05 blocks there, so I don't know if it
06 was knocked or they just wasn't
07 there.
08 Q. Okay. What about the stopping
09 that's just south of survey station
10 33.4? Do you recall blocks being
11 there or ---?
12 A. I don't recall the blocks
13 being there.
14 Q. Okay.
15 A. They may have been, but I
16 don't recall.
17 Q. Also, the ventilation control
18 just inby survey station 3249, the

19 tail of the Number Seven belt
20 conveyor, do you recall?
21 A. I don't recall any blocks in
22 it.
23 Q. Okay. Do you recall any ---
24 you know, sometimes when the stopping
25 is built, sometimes you'll see

44

01 indications where there may have been
02 a stopping there at one point in time
03 in the past. Do you recall seeing
04 that?

05 A. I don't think there would
06 probably be anything there on account
07 of the heat or anything, Charlie, and
08 the top and ribs both were bad in
09 that area. So no. I don't recall
10 that.

11 Q. Earlier, you indicated your
12 travel to the equipment doors at the
13 survey station --- just inby survey
14 station 3241, in the Number Eight
15 entry ---

16 A. Uh-huh (yes).

17 Q. --- as being opened. Do you
18 recall what day --- what was the
19 first day you saw them doors open, or
20 that door open?

21 A. That would be Sunday night,

22 Monday morning shift.

23 Q. That would have been the

24 22nd ---

25 A. Yes.

45

01 Q. --- and the 23rd. Is it

02 possible that the door may have not

03 been completely closed or was it half

04 open?

05 A. It could have been, Charlie.

06 I know when we traveled through

07 there, I know we didn't open

08 anything. The doors, they could have

09 been opened.

10 Q. Okay. They could have been

11 open far enough that you could have

12 walked through without disturbing

13 them?

14 A. Right.

15 Q. While you were underground,

16 did anybody make any repairs to any

17 ventilation controls, say like maybe

18 putting blocks back in the stopping?

19 A. No, sir. Like I said before,

20 the only thing that we did on a

21 stopping whatsoever, we curtailed

22 that foam machine up.

23 Q. Okay. Let's take a break.

24 A. Okay.

25 SHORT BREAK TAKEN

46

01 BY MR. POGUE:

02 Q. Jim, let's back up on the
03 Exhibit B-Langley map. And you've
04 indicated from the Number Seven
05 entry, and survey station 3232, you
06 traveled in a south direction to the
07 Number Eight and Number Nine entry.

08 And the map indicates a stopping
09 between the Number Eight and Nine
10 entry to the south of 3324 survey
11 station. Can you just revisit that
12 area and tell us what you saw when
13 you traveled through that crosscut?

14 A. Well, I mean, it was just ---
15 it was --- the stopping, well, you
16 know, the stopping was either
17 partially down or missing here
18 because, you know, we traveled
19 through that area.

20 Q. Okay. Thank you. Jim, do you
21 have anything else that you can
22 indicate on this mine map here that
23 we're looking at, the Exhibit B, as
24 far as your travel during the course
25 of that week?

47

01 A. No. We was in this area.

02 That's where we was at.

03 Q. Do you recall any waterlines
04 being hooked up, what the source of
05 the water would have been and exactly
06 where you were putting water on the
07 fire at?

08 A. We had a couple of lines that
09 we did have over there. But I think
10 we had come up on this Number Six
11 entry and we was running them over
12 through these crosscuts.

13 Q. On our map here, it indicates
14 an overcast in the Number Six entry,
15 just inby survey station 2236. Do
16 you recall that overcast in the
17 entry?

18 A. I think that overcast was
19 there.

20 MR. POGUE:

21 All right, Jim. That's
22 all I had. You can sit back
23 down. Bill, do you have any
24 questions?

25 BY MR. TUCKER:

48

01 Q. Just one. You mentioned that
02 you had a heat gun when you're in the

03 area, just making sure that nothing,
04 you know, heated back up and
05 rekindled?

06 A. Yes.

07 Q. Do you happen to recall any of
08 the readings?

09 A. No. The highest temperature
10 we got was 92 degrees.

11 Q. Ninety-two (92)? Okay.

12 A. That was around the power
13 center down there.

14 MR. TUCKER:

15 Okay.

16 BY MR. POGUE:

17 Q. Jim, once you'd completed your
18 work underground and you returned to
19 the surface, were you given a
20 debriefing?

21 A. No.

22 Q. Was the team given a
23 debriefing?

24 A. I don't know.

25 Q. No? Do you know if the team

49

01 brought their maps outside?

02 A. Yes, they did.

03 Q. And do you know what happened
04 to those maps?

05 A. I don't know. The only map

06 that was really constant there was
07 the one we had, Charlie, back in our
08 little staging area. Remember when
09 we had one on the wall there?

10 A. Yes.

11 MR. POGUE:

12 Okay. Do you have any
13 questions, Bill?

14 MR. TUCKER:

15 Nothing.

16 MR. POGUE:

17 I have a closing
18 statement I'm going to read to
19 you, Jim. And we'll proceed.

20 On behalf of MSHA, I
21 want to thank you for
22 appearing here today and
23 answering our questions and
24 sharing your information about
25 the mine. Your cooperation is

50

01 very important to us as we
02 work to determine the cause of
03 the accident. If you wish,
04 you may now go back over any
05 answer that you have given
06 during the interview, and you
07 may also make a closing

08 statement covering the
09 additional points you believe
10 should be raised. Do you have
11 any recommendations, Jim, or
12 comments that you'd like to
13 get on record at this point?

14 Anything about the command
15 center? Anything about the
16 briefings, debriefings?

17 A. Well, Charlie, you know, they
18 didn't really brief us there. I
19 mean, what we knew, you told us or
20 somebody on the next shift told us.
21 I mean, you actually was going into
22 this stuff blind.

23 MR. POGUE:

24 Do you find that odd,
25 Jim?

51

01 A. Yes, I do. I mean, that's ---
02 I've been to several of these mine
03 emergencies, a situation like that,
04 you know, that's the worst I've ever
05 saw it.

06 MR. POGUE:

07 Is it customary when
08 you're at these mine
09 disasters, these rescue and
10 recovery operations, that you

11 get a thorough briefing before
12 you go in and a debriefing and
13 maps to travel ---?

14 A. Yes.

15 MR. POGUE:

16 To use while you're
17 traveling?

18 A. Yes, we do, Charlie.

19 MR. POGUE:

20 These maps that you
21 normally get at rescue and
22 recovery operations, are they
23 maps that are accurate and you
24 can rely --- usually rely on
25 as far as your exploration

52

01 work?

02 A. Yes.

03 MR. POGUE:

04 Do you have any other
05 comments at this time?

06 A. No.

07 MR. POGUE:

08 We ask that you not
09 discuss your interview today
10 with any persons who may have
11 already been interviewed or
12 who may be asked to give a

13 statement in the future. This
14 will ensure that we obtain
15 everyone's independent memory
16 of the events surrounding the
17 accident. After questioning
18 other witnesses and obtaining
19 additional information, we may
20 ask you back for further
21 questions.

22 Before we leave, you
23 need to sign and date this
24 second map up here. Exhibit
25 B, Jim.

53

01 A. Okay.

02 WITNESS COMPLIES

03 MR. POGUE:

04 If at some later point,
05 you have additional
06 information regarding the
07 accident that you would like
08 to provide us with, please
09 contact Mr. Kenny Murray,
10 who's our lead accident
11 investigator, or staff
12 assistant Anthony Webb. And
13 these are their business
14 cards, Jim. So I'm sure you
15 know the numbers already, but

16 ---.

17 A. Yes.

18 MR. POGUE:

19 If at any time, you
20 believe that you've been
21 treated unfairly because of
22 your cooperation in this
23 investigation, please
24 immediately contact Mr. Murray
25 or Mr. Webb. And Jim, I sure

54

01 do appreciate the job you've
02 done on the mine rescue work
03 here at the Aracoma Mine. And
04 I'd just like to thank you for
05 showing up here today.

06 A. Not a problem, Charlie.

07 MR. POGUE:

08 Bill has a closing
09 statement he'd like to ---.

10 A. Okay, Bill.

11 MR. TUCKER:

12 On behalf of Miners'
13 Health, Safety & Training and
14 also, I'd like to personally
15 thank you for all the hard
16 work that you do as a mine
17 rescue team member. And

18 thanks for coming in today.

19 A. Thank you, Bill.

20

21

22 * * * * *

23 EXAMINATION CONCLUDED AT 8:51 A.M.

24 * * * * *

25